

Y TRIBIWNLYS EIDDO PRESWYL

RESIDENTIAL PROPERTY TRIBUNAL

Reference RPT/0028/05/25

In the matter of Penrallt Farm Rhostrehwfa Llangefni LL77 7AQ

And in the matter of an appeal against a Prohibition Order under s20 Housing Act 2004

Applicant: John George Hinns

Respondent: Isle of Anglesey County Council

Tribunal panel: Gwyn Eirug Davies -Tribunal Judge
Tom Daulby – Surveyor member
Eifion Jones – Lay member

Representation: The Applicant was present supported by his advocate Richard Hughes
The Respondent was represented by Iwan Evans (Environmental Health Officer) and Mick Goodfellow (Principal Pollution Control Officer)

This matter was heard at the Caernarfon Justice Centre on 30th September 2025

The tribunal panel inspected the house at Penrallt Farm on Monday 29th September 2025.

Mr Hinns, Mr Hughes and Mr Evans were also present

Decision:

The Prohibition Order is confirmed

1. A Prohibition Order under section 20 Housing Act 2004 was made by the Isle of Anglesey County Council on 11th April 2025 in respect of Penrallt Farm Rhostrehwfa Anglesey (Penrallt). The order was served upon the Applicant on the same day. The order was accompanied by a 'Statement of Reasons for decision to Enforcement Action' as required by section 8 Housing Act 2004.
2. In this decision the Housing Act 2004 is referred to as 'the Act'
3. Penrallt is a stone built two storey farmhouse with pitched slate roof. On the ground floor is a reception room and a study with kitchen and washroom facilities to the

rear. There is a rear access door. Three bedrooms and a bathroom are located on the upper floor. The property has double glazed windows. The property is located in a field and is exposed to the weather.

4. The Statement of Reasons highlights the following category 1 hazards under section 20 of the Act namely
 - i) Structural collapse
 - ii) Electrical hazards
 - iii) Falls on stairs
 - iv) Excess cold

5. The Act contains the following relevant definitions:

“category 1 hazard” means a hazard of a prescribed description which falls within a prescribed band as a result of achieving, under a prescribed method for calculating the seriousness of hazards of that description, a numerical score of or above a prescribed amount;

“category 2 hazard” means a hazard of a prescribed description which falls within a prescribed band as a result of achieving, under a prescribed method for calculating the seriousness of hazards of that description, a numerical score below the minimum amount prescribed for a category 1 hazard of that description; and

“hazard” means any risk of harm to the health or safety of an actual or potential occupier of a dwelling or HMO which arises from a deficiency in the dwelling or HMO or in any building or land in the vicinity (whether the deficiency arises as a result of the construction of any building, an absence of maintenance or repair, or otherwise).

6. If a category 1 hazard exists then section 5 of the Act places a duty upon a local authority to take appropriate enforcement action in relation to that hazard.
7. Section 5(2) of the Act sets out the various courses of action that are open to the local authority to pursue by way of appropriate enforcement action.
8. The enforcement action can be one of the following
 - a) serving an improvement notice under section 11;
 - (b) making a prohibition order under section 20;
 - (c) serving a hazard awareness notice under section 28;
 - (d) taking emergency remedial action under section 40;
 - (e) making an emergency prohibition order under section 43;

(f) making a demolition order under subsection (1) or (2) of section 265 of the Housing Act 1985 (c. 68);

(g) declaring the area in which the premises concerned are situated to be a clearance area by virtue of section 289(2) of that Act.

9. In this case the LA considers that a prohibition order is the most appropriate course of action on the basis that such an order will ensure that the occupant is not exposed to the hazards identified. The LA discounted serving a Hazard Awareness Notice on the basis that simply notifying the occupier and potential visitors of the hazards would not be sufficient given the nature and extent of the hazards. Furthermore, issuing an Improvement Notice was not considered appropriate either as the LA considers it impractical to carry out the required works whilst the property remains occupied. In addition, an improvement notice would contain a time limit for carrying out the work which would potentially be unrealistic for the Applicant to comply with.
10. The LA did not consider remedies (d) to (g) to be realistic in the circumstances for the reasons set out in the notice.
11. The Applicant issued his application to this Tribunal on the 29th April 2025.
12. A directions order issued on the 5th June 2025 (amended on 13th June 2025) sets out the issues to be considered by the tribunal:
 - Has the council gone through the necessary steps prior to the issue of the prohibition order
 - Do hazards (for example excess cold, fire) exist and if so what category
 - Is there a management order in force
 - Should the council have taken enforcement action?
 - If so, what enforcement action is appropriate and is it the case that serving a prohibition order would be the best course of action in relation to any relevant hazard(s)
 - If a Prohibition is the correct order, do the contents of the order comply with the requirement of section 22 of the Act
 - Should the Tribunal confirm, quash or vary the prohibition order and/or should the operation of the Prohibition order be suspended for any reason, in accordance with section 23 of the Act
 - The reasonableness of the charges made by the Respondent for taking enforcement action (if relevant)
13. The order also contained a direction for the parties to meet or at least communicate with each other in an effort to settle the dispute or to narrow the issues. The parties met on the 2nd July 2025, but this did not result in any agreement in relation to this application.

14. This appeal is made under Part 3 Schedule 2 paragraph 7 and 8 of the Act. Paragraph 8(1) states;

An appeal may be made by a person under paragraph 7 on the ground that one of the courses of action mentioned in paragraph 8 (2) is the best course of action in relation to the hazard in respect of which the Order was made.

15. Paragraph 8(2) indicates that the courses of actions are:

- Serving an improvement notice under section 11 or 12 of this act
- Serving a hazard awareness notice under section 28 or 29 of this act
- Making a demolition order under section 265 of the Housing Act 1985 (c68)

16. The tribunal has power to confirm, quash or vary the Prohibition order.

17. Mr Hinns' grounds for appeal are contained in two letters, one dated 2nd July addressed to the LA and a second letter dated the 16th July 2025 addressed to the Tribunal office. The contents of these letters can be summarised as follows, i) he disagrees with the decision of the LA which he considers to be unfair and unnecessary, ii) Penrallt is a working farm and it is essential that the farmhouse is occupied in order for Mr Hinns to care for the livestock, iii) Substantial damage was caused to the house by Storm Darragh in December 2024. The storm caused damage to the roof, the porch and back door. As a result of water ingress, damage was caused to ceiling plaster. An insurance claim was made for the damage. iv) Mr Hinns alleges that councils officials unlawfully gained access to the property and that he was misled as to the possible consequences, v) Mr Hinns also alleges that the Prohibition order was not served correctly upon him, vi)) Mr Hinns does not agree with the LA's findings about the condition of the house and alleges that he has been treated unfairly and victimised.

18. During the tribunal hearing Mr Hinns proposed that the best course of action would be for the LA to serve an Improvement Notice.

19. The LA's evidence appears in the 'Respondent bundle' and comprises, i) a submission setting out the LA's reasons why making a Prohibition Order is considered to be the best course of action, ii) statement of reasons for opposing the appeal, iii) a Housing Health and Safety Rating System Report compiled by Iwan Evans, setting out the hazard rating calculations, iv) a chronology of communication between the LA and the Applicant, v) witness statements by Iwan Evans and Mick Goodfellow, vi) miscellaneous documentation and photographs.

20. The tribunal is satisfied that the LA endeavoured to engage with Mr Hinns prior to the issue of the Prohibition Order. Given that access was not afforded to the property by Mr Hinns, the LA was obliged to obtain a warrant from the Justices authorising then to enter the property to carry out an inspection. Mr Hinns alleges in

correspondence that the order was improperly made and incorrectly served. There is no evidence in support of that suggestion, and the tribunal is satisfied that the correct procedure was followed by the LA in order to carry out the inspection and thereafter in making and serving the order. This is evidenced by the documentation provided.

21. We are satisfied that there is no management order in force.
22. In his oral evidence Mr Hinns expanded on his why he took issue with the findings of the LA in relation to the hazards. Mr Hinns confirmed that he had somewhat belatedly received an insurance payment of £5,000 for his claim following the storm Darragh damage, although this amount was not sufficient to cover the cost of the repairs needed. Mr Hinns explained that he had a plan to demolish the old kitchen at the rear of the property as part of a refurbishment programme. He had spoken to a contractor about carrying out the work.
23. In respect of the ceilings Mr Hinns said that this damage was caused as a result of water ingress from the storm. He confirmed that he did not use the bedrooms upstairs. He did not accept that the plaster and ceiling damage was as extensive as alleged.
24. Mr Hinns accepted that parts of the floors were uneven, and he outlined the work that was required to replace/relay the tiles. He denied that the stone front doorsteps were unsafe as alleged.
25. Mr Hinns said that the electrics did not pose a hazard because the electrical systems in the house had been disconnected. Mr Hinns had arranged to run an extension lead from the meter outside to connect to the fridge freezer in the lounge. There was no other connection to the mains. The fridge freezer was not connected to the extension lead during the inspection.
26. Mr Hinns did not usually go upstairs, therefore the absence of stairs leading to the upper floor was not a concern to him. He said that the stairs had been in this condition for about 5 years. Mr Hinns did not consider that the stairs should be repaired until the ground floor tiles had been re-laid.
27. The Applicant accepted that some draught enters the house through small gaps beneath the windows. The house had been double glazed in or around 1996. Mr Hinns explained that it was a relatively straight forward task to repair the draughty windows which he could do himself.
28. Penrallt was acquired by his parents in 1946. Mr Hinns, who was born in 1948, has lived there all his life. He is a single man who has lived alone at the property since the

death of his mother in 2002. The fields are let to neighbouring farmers to graze and make silage.

29. Mr Hinns confirmed that he has now acquired a static caravan which has been pitched in a relatively sheltered spot close to the house. The caravan was seen by the tribunal panel during their inspection. Mr Hinns accepted that a great deal of work was required to refurbish the property, and he would live in the caravan whilst the work was being done. Mr Hinns said that he would be dependent on obtaining grant aid to undertake most of the work. He estimated his annual income to be in the region of £23,000.00.
30. When it became apparent that Mr Hinns now intends moving to live in the caravan, the tribunal suggested that it may be appropriate for the parties to have a discussion to see if outstanding issues could be resolved. The hearing was accordingly adjourned.
31. When the tribunal panel reconvened the hearing, Mr Evans confirmed that the LA was content for Mr Hinns to live in the static caravan on condition that a connection to mains electricity, mains water, and the septic tank was established. The LA accepted that it would take time for Mr Hinns to make these arrangements and accordingly the LA was content for it to be stipulated that this work should be completed as 'soon as reasonably practical'. Mr Hinns will also need to provide adequate steps to the door of the caravan.
32. Although Mr Hinns accepted that he would have to move out of the property into the caravan, he asked the tribunal to revoke the Prohibition Order and to direct the issue of an Improvement Notice instead. However, after hearing submissions from Mr Evans and conferring with his advocate, Mr Hinns accepted that the Prohibition Order was a better option as an Improvement Notice would contain a deadline for completing the work. Failure to complete the work within the specified time frame would leave Mr Hinns open to enforcement action by the LA. In the circumstances Mr Hinns accepted that the Prohibition Order should remain.
33. Even if the parties had not compromised matters, the tribunal would still have confirmed the Prohibition Order.
34. We have considered the evidence provided by the LA and in particular the Housing Health and Safety Rating System Report. Having had the benefit of inspecting the property we accept the conclusions in that report and are satisfied that category 1 hazards exist as alleged. The house is in an extremely poor condition. Whilst recent storms may have caused some damage, there is evidence of long-term decay and deterioration. In the circumstances the LA were duty bound to take action and a prohibition order is the only realistic order that could have been made. The house in its current condition is uninhabitable and the extent of the refurbishment work

required is substantial. It would not be possible to live in the house whilst refurbishment work is undertaken.

35. An Improvement Notice is not realistic given the extent of the renovation required. It is clear that no attempt has been made by Mr Hinns to carry out any repair or remedial work to the house. Given the extent of the refurbishment work now required there is a question as to how feasible it is that the necessary work will be undertaken. If an improvement notice were issued, then due to the extent of the work involved there is a significant risk that Mr Hinns would not be able to complete the work to comply with any timescale set.

36. It is encouraging to note that Mr Hinns has acquired a static caravan and that he intends moving into the caravan. This then provides an opportunity for him to undertake the work that is required on the property at his own pace and without any time pressure. The tribunal wishes him well in that regard.

37. We are satisfied that the Prohibition Order was appropriately served on Mr Hinns and that the contents of the order comply with section 22 of the Act.

38. We note that the LA are not seeking any charges or costs.

39. The Prohibition Order made on the 11th April 2025 is accordingly confirmed.

Dated the 1st October 2025

G E Davies

Tribunal Judge